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**CASE CLOSED**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**DATE** \_\_\_\_\_

**DAVID E. DEWBERRY,**

**Plaintiff,**

**v.**

**CITY OF DETROIT STREET  
MAINTENANCE,**

**Defendant.**

**Case No. 04-74620**

**HONORABLE DENISE PAGE HOOD**

**ORDER ACCEPTING REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Steven D. Pepe's Report and Recommendation dated April 29, 2005. Neither Party has filed objections to this Report.

Magistrate Judge Pepe concluded that this Court lacks subject matter jurisdiction and that Plaintiff has failed to state a claim upon which relief may be granted. The Magistrate recommended this Court grant Defendant's Motion for Summary Judgment and dismiss Plaintiff's action.

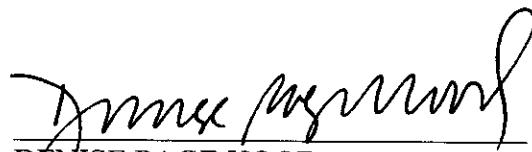
The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Steven D. Pepe, dated April 29, 2005, is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [Docket No. 20, filed October 6, 2004] is GRANTED.

IT IS FURTHER ORDERED that this matter is DISMISSED without prejudice.

  
DEMISE PAGE HOOD  
United States District Judge

DATED: MAY 24 2005